

AG Contract No.: KR99-2769TRN  
ADOT ECS File No.: JPA 99-187  
Project: SR 303L  
TRACS No.: H 5621 S1D  
Budget Source Item # 29303  
C-64-00-261-2-02

**AMENDMENT THREE (3)**

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE MARICOPA COUNTY, ARIZONA**

THIS AGREEMENT is entered into 14th of July, 2006, Amendment Three to JPA 99-187, AG Contract No.: KR99-2769TRN filed with the Secretary of State under No. 24136, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, acting by and through its Board of Supervisors (the "County").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. **THE PURPOSE OF THIS AMENDMENT** is as follows: The State wishes to exercise the State's right to fully operate, maintain and construct Loop 303 and/or Estrella Roadway effective June 30th, 2006, and will recommend reimbursement to the County, for the difference in the advanced right-of-way required to accommodate future traffic interchanges as reference in the Agreement that was executed on July 31, 2000, Section II. 1.g.

4. The County will relinquish all right of way interest acquired as part of the County's development of the Loop 303 and/or Estrella Roadway.

**THEREFORE**, in consideration of the mutual covenants expressed herein, this Agreement is amended as follows:

NO. 24136  
Filed with the Secretary of State  
Date Filed: 7/14/06  
James R. Hansen  
Secretary of State  
By: [Signature]

**II. SCOPE OF WORK****Under State Will: Section 1.g. add i:**

i. Effective June 30th, 2006, the State will exercise the State's right to construct, maintain and fully operate Loop 303 project as a fully controlled access facility. The State will recommend that the County be reimbursed for the difference in the advance right of way acquired from a 300+/- wide foot corridor requested by ADOT, versus a 140 foot wide corridor, and for future traffic interchanges as referenced in the Agreement that was executed on July 31, 2000, Section II.1.g.

**Under County Will: Section 2.c. add iii & iv:**

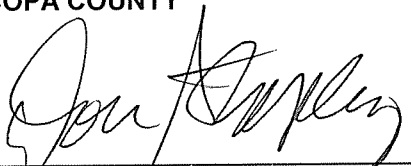
iii. The County agrees to release its obligation to administer the construction, maintenance and operation of the Loop 303 and/or Estrella Roadway at the time the State exercises the right to construct, maintain and operated the Loop 303 project.

iv. The County will relinquish all right of way interest acquired as part of the County's development of the Loop 303 and/or Estrella Roadway.

**EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of this Amended Agreement will remain the same.**

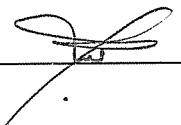
IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written

**MARICOPA COUNTY**


By   
DON STAPLEY  
Chairman of the Board

**STATE OF ARIZONA**

Department of Transportation

By   
SAM ELTERS  
State Engineer

ATTEST

By   
FRAN MCCARROLL  
DEPUTY Clerk of the Board

JUN 21 2006

Agenda Activity: Action  
 Department: Transportation  
 Category: Regional Development Services  
 Contact: Brenda Zambelli  
 Return to: Brenda Zambelli  
 Location: DEPT OF TRANSPORTATION ADMIN BLDG

Agenda Number: C-64-00-261-2-04

Phone: 506-4616 Continued from:  
 Phone: 506-4616

Action Requested:

Approve the Third Amendment to the Intergovernmental Agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT), and Maricopa County Department of Transportation. The purpose of this Amendment is that the State wishes to exercise their right to fully operate, maintain and construct Loop 303 and/or Estrella Roadway effective June 30th, 2006, and will recommend reimbursement to the County, for the difference in the advanced right-of-way required to accommodate future traffic interchanges as referenced in the Agreement that was executed on July 31, 2000, Section II 1.g.

Complete description of action requested:

The Third Amendment states that effective June 30th, 2006 the State will exercise their right to construct, maintain and fully operate Loop 303 project as a fully controlled access facility. The State will recommend that the County be reimbursed for the difference in the advance right of way acquired from a 300 +/- wide foot corridor requested by ADOT, versus a 140 foot wide corridor, and for future traffic interchanges a referenced in the Agreement that was executed on July 31, 2000, Section II 1.g. The County will relinquish all right of way interest acquired as part of the County's development of the Loop 303 and/or Estrella Roadway.

Supervisory District Numbers: 4 & 5

PERFORMANCE INFORMATION:

Program: Support Transportation Systems

Activity: Project Partnerships

Performance Measure: % of MCDOT projects that go to bid and are eligible for partnerships and have partnerships in place.

Anticipated Results: State will assume full operational and maintenance responsibilities of Loop 303

Expenditure Impact by FY(s):

No Impact

Routing: Meeting Date: 06/21/2006		
Legend X=Pending A=Approved R=Rejected		
CNTY_ENGR	LEGAL	OMB
A	A	A

*John McCarroll*


"Please return an ~~recorded~~ original to the Clerk of the Board of Supervisors."

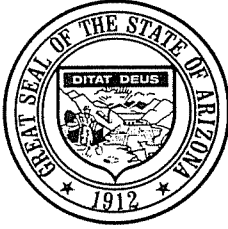
JPA 99-187

APPROVAL OF THE MARICOPA COUNTY ATTORNEY

I have reviewed the above referenced proposed amendment three (3) to intergovernmental agreement, between the STATE OF ARIZONA, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, and MARICOPA COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 14 day of June 2006.

  
\_\_\_\_\_  
Deputy County Attorney  
Maricopa County



STATE OF ARIZONA  
OFFICE OF THE ATTORNEY GENERAL  
CIVIL DIVISION  
TRANSPORTATION SECTION  
MEMORANDUM

Jeffrey T. Murray  
Assistant Attorney General


Direct: 602-542-8859  
Fax: 602-542-3646

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR99-2769 (**JPA99-187 Amendment #3**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED July 3<sup>rd</sup>, 2006.

  
JEFFREY T. MURRAY  
Assistant Attorney General

JTM:dgr  
Attachment  
#968046

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND

THE MARICOPA COUNTY, ARIZONA

C-64-00-261-2

THIS AGREEMENT is entered into 3/July, 2000, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954 as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, acting by and through its Board of Supervisors (the "County").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The County desires to preserve the existing State Route (SR) 303L and the unconstructed SR 303L corridor as a regional transportation facility. This would include the County assuming full responsibility for the operation and maintenance of the existing SR 303L roadway and responsibility for constructing the new corridor, except the partially State funded structure over Grand Avenue, under JPA 98-16, attached hereto by reference, recorded by the Secretary of State on June 3, 1998, under file number 22402.

4. The State and the County have previously agreed to funding considerations for the construction of the SR 303L Overpass at Grand Avenue under the intergovernmental agreement (IGA), JPA 98-16. The purpose of this agreement is to define each parties responsibilities.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 24136  
Filed with the Secretary of State  
Date Filed: 07/31/00  
Betty Boyles  
Secretary of State  
Dick J. Graenewald